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Note verbale dated 18 April 2018 from the Permanent Mission of Guinea-Bissau to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Guinea-Bissau to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1540 (2004) and has the honour to forward herewith the report of Guinea-Bissau on the implementation of Security Council resolution 1540 (2004) (see annex).

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Annex to the note verbale dated 18 April 2018 from the Permanent Mission of Guinea-Bissau to the United Nations addressed to the Chair of the Committee

Report of Guinea-Bissau on the implementation of Security Council resolution 1540 (2004)

The Government of the Republic of Guinea-Bissau hereby presents its first report on the measures it has taken and intends to take to implement Security Council resolution 1540 (2004).

The Government is available to provide any additional clarification.

Guinea-Bissau, in fulfilment of its obligations under the Charter of the United Nations, recognizes the obligations imposed under Security Council resolution 1540 (2004) to adopt legislation to prevent the proliferation of nuclear, chemical and biological weapons and their means of delivery and to establish appropriate domestic controls over related materials in order to prevent their illicit trafficking by non-State actors.

The Republic of Guinea-Bissau considers acts of international terrorism and the use of nuclear, chemical and biological weapons to be a scourge to mankind and is committed to taking all possible steps to improve channels of cooperation at the bilateral, regional and multilateral levels to address such threats.

Whereas, to date, the Republic of Guinea-Bissau has enjoyed an economic and social environment largely free of terrorist threats, evidence has emerged in recent years of increasing terrorist activity in West Africa, as well as the possible vulnerability of Guinea-Bissau to these growing threats in the region.

The Republic of Guinea-Bissau does not possess any nuclear, chemical or biological weapons, nor any means for their delivery, and is committed to disarmament and the non-proliferation of such weapons nationally, regionally and globally.

Paragraphs 1 and 2

The Republic of Guinea-Bissau does not provide any support to non-State actors attempting to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons or their means of delivery.

In support of those non-proliferation and related security objectives, the Republic of Guinea-Bissau is a State party to the following multilateral arms control and non-proliferation treaties and conventions:

- Biological Weapons Convention of 1972
- Chemical Weapons Convention of 1993
- Treaty on the Non-Proliferation of Nuclear Weapons of 1968

The Republic of Guinea-Bissau is also a signatory to the Comprehensive Nuclear-Test-Ban Treaty and to the African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty).

In addition, with regard to counter-terrorism, the Government of the Republic of Guinea-Bissau has never authorized nor does it intend to authorize acts of terrorism or the financing of terrorist activities in its territory and supports all international counter-terrorism efforts as a State party to 10 of the 19 international conventions and protocols on counter-terrorism, in particular those relevant to resolution 1540 (2004), including the following:

- International Convention for the Suppression of Terrorist Bombings of 1997
- International Convention for the Suppression of the Financing of Terrorism of 1999
- Organization of African Unity Convention on the Prevention and Combating of Terrorism
- International Health Regulations
- International Convention for the Suppression of Acts of Nuclear Terrorism
- Convention on the Physical Protection of Nuclear Material

Legislation contributing to the implementation of resolution 1540 (2004) includes the Criminal Code of 13 October 1993, in particular articles 121, 206 and 211, which also provide for penalties.

A more detailed description can be found in the matrix attached hereto (see enclosure).

Paragraph 7

Guinea-Bissau intends to seek assistance in this matter from all relevant organizations and specialized agencies of the United Nations.

The Government of the Republic of Guinea-Bissau attaches great importance to strengthening national legislation relating to the non-proliferation of and illicit trafficking in nuclear, chemical and biological weapons, their means of delivery and related materials.

The Government of the Republic of Guinea-Bissau will continue to engage and require the technical and financial assistance of relevant international, regional and governmental organizations for the effective implementation of the resolution, including in the following areas:

(a) Development and implementation of a national voluntary action plan;

(b) Creation and training of nuclear, chemical and biological weapons detection teams, including obtaining the necessary equipment for each team;

(c) Conducting workshops and seminars on resolution 1540 (2004).

In addition, and where appropriate, the Government of Guinea-Bissau will seek advice from certain non-governmental organizations with relevant expertise, such as Parliamentarians for Global Action.

In the light of the ever-increasing threat of the proliferation of weapons of mass destruction to non-State actors, and mindful of the presence of a number of terrorist organizations in West Africa itself, the Government of the Republic of Guinea-Bissau understands the need for a comprehensive review of current legislation with a view to reaching a determination on steps that need to be taken to give full effect to Security Council resolution 1540 (2004) in national law.

Enclosure

Implementation matrix

The information in the matrices originates primarily from national reports and is complemented by official government information, including that made available to intergovernmental organizations. The matrices are prepared under the direction of the Security Council Committee established pursuant to resolution 1540 (2004).

The Committee intends to use the matrices as a reference tool for facilitating technical assistance and to enable the Committee to continue to enhance its dialogue with States on their implementation of Security Council resolution 1540 (2004).

The matrices are not a tool for measuring compliance of States with their non-proliferation obligations but for facilitating the implementation of resolutions 1540 (2004), 1673 (2006), 1810 (2008) and 1977 (2011). They do not reflect or prejudice any ongoing discussions outside the Committee, in the Security Council or in any of its organs of a State's compliance with its non-proliferation or any other obligations. Information on voluntary commitments is for reporting purposes only and does not constitute in any way a legal obligation arising from resolution 1540 (2004) or its successive resolutions.

Paragraph 1 and related matters from paragraphs 5, 6, 8 (a), (b) and (c) and 10

	Legally binding instruments, organizations, codes of conduct, arrangements, statements and other issues	*Yes*	*If yes, relevant information (i.e. signing, accession, ratification, etc.)*	*Remarks (information refers to the page of the English version of the national report or an official website)*
1	Treaty on the Non-Proliferation of Nuclear Weapons	X	Deposited 20 August 1976	
2	Nuclear-Weapon-Free Zone/Protocol(s)	?	Pelindaba Treaty, signed 11 April 1996	
3	International Convention for the Suppression of Acts of Nuclear Terrorism	X	Deposited 6 August 2008	
4	Convention on the Physical Protection of Nuclear Material	X	In force as of 7 November 2008	
5	2005 Amendment to the Convention			
6	Comprehensive Nuclear-Test-Ban Treaty (not in force)	X	Deposited 24 September 2013	
7	Chemical Weapons Convention	X	Deposited 19 May 2008	
8	Biological Weapons Convention	X	Deposited 20 August 1976	
9	Geneva Protocol of 1925	X	Deposited 20 May 1989	
10	Other conventions/treaties	X	State party to 12 of 19 international legal instruments to fight terrorism, including the following that are relevant to resolution 1540 (2004): International Convention for the Suppression of Terrorist Bombings of 1997 International Convention for the Suppression of the Financing of Terrorism of 1999 Organization of African Unity (OAU) Convention on the Prevention and Combating of Terrorism, deposited 14 October 2008	

	Legally binding instruments, organizations, codes of conduct, arrangements, statements and other issues	*Yes*	*If yes, relevant information (i.e. signing, accession, ratification, etc.)*	*Remarks (information refers to the page of the English version of the national report or an official website)*
			Protocol to the OAU Convention on the Prevention and Combating of Terrorism, deposited 27 July 2015	
			International Health Regulations (2005)	
11	International Atomic Energy Agency			
12	The Hague Code of Conduct	X	Subscriber	
13	Other arrangements			
14	General statement on non-possession of weapons of mass destruction			
15	General statement on commitment to disarmament and non-proliferation			
16	General statement on non-provision of weapons of mass destruction and related materials to non-State actors			
17	Other[a]	X	State member of:	
			African Union	
			Community of Sahelo-Saharan States	
			Economic Community of West African States	
			Intergovernmental Action Group against Money Laundering in West Africa	
			International Maritime Organization	
			International Monetary Fund (IMF)	
			International Criminal Police Organization (INTERPOL)	
			World Organization for Animal Health	

Legally binding instruments, organizations, codes of conduct, arrangements, statements and other issues	*Yes*	*If yes, relevant information (i.e. signing, accession, ratification, etc.)*	*Remarks (information refers to the page of the English version of the national report or an official website)*
		West African Economic and Monetary Union	
		World Bank Group	
		World Customs Organization	
		World Health Organization	
		State party to the following conventions:	
		Cotonou Agreement	
		Partial Test Ban Treaty, deposited 20 August 1976	

[a] Including, as appropriate, information with regard to membership in relevant international, regional or subregional organizations.

Paragraph 2: nuclear weapons, chemical weapons and biological weapons

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?	*National legal framework*				*Enforcement: civil/criminal penalties and others*				
	Yes				*Yes*				
	NW	*CW*	*BW*	*If yes, source document of national implementation law*	*NW*	*CW*	*BW*	*If yes, source document*	*Remarks*
1 Manufacture/ produce		X		**CW** Criminal Code of 13 October 1993, article 206 (anyone who illegally manufactures, imports, transports, sells or gives automatic weapons, chemical weapons or their ammunition, or any explosive, commits a crime punishable with three years or a fine, with more severe penalties for possession or use of arms of war)		X		**CW** Criminal Code of 13 October 1993, article 206 (anyone who illegally manufactures, imports, transports, sells or gives automatic weapons, chemical weapons or their ammunition, or any explosive, commits a crime punishable with three years or a fine, with more severe penalties for possession or use of arms of war)	
2 Acquire									
3 Possess									
4 Stockpile/ store									
5 Develop									
6 Transport		X		**CW** Criminal Code of 13 October 1993, article 206 (anyone who illegally manufactures, imports, transports, sells or gives automatic weapons, chemical weapons or their ammunition, or any explosive, commits a crime punishable with three years or a fine, with more severe penalties for possession or use of arms of war)		X		**CW** Criminal Code of 13 October 1993, article 206 (anyone who illegally manufactures, imports, transports, sells or gives automatic weapons, chemical weapons or their ammunition, or any explosive, commits a crime punishable with three years or a fine, with more severe penalties for possession or use of arms of war)	
7 Transfer		X		**CW** Criminal Code of 13 October		X		**NW/CW** Criminal Code of 13 October 1993,	

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*				*Enforcement: civil/criminal penalties and others*				
		Yes				*Yes*				
		NW	*CW*	*BW*	*If yes, source document of national implementation law*	*NW*	*CW*	*BW*	*If yes, source document*	*Remarks*
					1993, article 206 (anyone who illegally manufactures, imports, transports, sells or gives automatic weapons, chemical weapons or their ammunition, or any explosive, commits a crime punishable with three years or a fine, with more severe penalties for possession or use of arms of war)				article 206 (anyone who illegally manufactures, imports, transports, sells or gives automatic weapons, chemical weapons or their ammunition, or any explosive, commits a crime punishable with three years or a fine, with more severe penalties for possession or use of arms of war)	
8	Use		?	?	**CW/BW** Criminal Code of 13 October 1993, articles 121 (use of poisoning substances) and 209 (danger to public health)		?	?	**CW/BW** Criminal Code of 13 October 1993, articles 121 (use of poisoning substances) and 209 (danger to public health)	
9	Participate as an accomplice in above-mentioned activities		X	X	**CW/BW** Criminal Code of 13 October 1993, article 16		X	?	**CW** Criminal Code of 13 October 1993, articles 121 (use of poisoning substances), 209 (danger to public health) and 206 (anyone who illegally manufactures, imports, transports, sells or gives automatic weapons, chemical weapons or their ammunition, or any explosive, commits a crime punishable with three years or a fine, with more severe penalties for possession or use of arms of war) **BW** Criminal Code of 13 October 1993, articles 121 (use of poisoning substances) and 209 (danger to public health)	
10	Assist in above-		X	X	**CW/BW** Criminal Code of 13 October 1993, article 17		X	?	**CW** Criminal Code of 13 October 1993, articles 121 (use of poisoning substances),	

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?	*National legal framework*				*Enforcement: civil/criminal penalties and others*				
	Yes				*Yes*				
	NW	*CW*	*BW*	*If yes, source document of national implementation law*	*NW*	*CW*	*BW*	*If yes, source document*	*Remarks*
mentioned activities								209 (danger to public health) and 206 (anyone who illegally manufactures, imports, transports, sells or gives automatic weapons, chemical weapons or their ammunition, or any explosive, commits a crime punishable with three years or a fine, with more severe penalties for possession or use of arms of war) **BW** Criminal Code of 13 October 1993, articles 121 (use of poisoning substances) and 209 (danger to public health)	
11 Finance above-mentioned activities									
12 Above-mentioned activities related to means of delivery[a]									
13 Involvement of non-State actors in above-mentioned activities									
14 Other									

Abbreviations: BW, biological weapons; CW, chemical weapons; NW, nuclear weapons.

[a] Means of delivery: missiles, rockets and other unmanned systems capable of delivering nuclear, chemical, or biological weapons that are specially designed for such use.

Paragraph 3 (a) and (b): account for/secure/physically protect nuclear, chemical and biological weapons, including related materials[a]

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect nuclear, chemical and biological weapons and related materials? Can violators be penalized?	*National legal framework*				*Enforcement: civil/criminal penalties and others*				
	Yes				*Yes*				
	NW	*CW*	*BW*[b]	*If yes, source document*	*NW*	*CW*	*BW*	*If yes, source document*	*Remarks*
1 Measures to account for production									
2 Measures to account for use									
3 Measures to account for storage									
4 Measures to account for transport	?	?	?	**NW/CW/BW** Uniform Act on the Contract for the Carriage of Goods by Road					
5 Other measures for accounting									
6 Measures to secure production									
7 Measures to secure use									
8 Measures to secure storage									
9 Measures to secure transport	?	?	?	**NW/CW/BW** Uniform Act on the Contract for the Carriage of Goods by Road	?	?	?	**NW/CW/BW** Criminal Code of 13 October 1993, article 211	

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect nuclear, chemical and biological weapons and related materials? Can violators be penalized?	*National legal framework*				*Enforcement: civil, criminal penalties and others*				
	Yes				*Yes*				
	NW	*CW*	*BW*[a]	*If yes, source document*	*NW*	*CW*	*BW*	*If yes, source document*	*Remarks*
10 Other measures for securing									
11 Regulations for physical protection of facilities/ materials/ transport									
12 Licensing/ registration of installations/ facilities/ persons/ entities/use/ handling of materials									
13 Reliability check of personnel									
14 Measures to account for/ secure/ physically protect means of delivery									

Abbreviations: BW, biological weapons; CW, chemical weapons; NW, nuclear weapons.

[a] Related materials: materials, equipment and technology covered by relevant multilateral treaties and arrangements, or included on national control lists, which could be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery.

[b] Information required in this section may also be available in the State's confidence-building measures report, if submitted to the Biological Weapons Convention Implementation Support Unit (see www.unog.ch/80256EE600585943/(httpPages)/4FA4DA37A55C7966C12575780055D9E8?OpenDocument).

Paragraph 3 (a) and (b): account for/secure/physically protect nuclear weapons, including related materials

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect nuclear weapons and related materials? Can violators be penalized?	*National legal framework*		*Enforcement: civil/criminal penalties and others*		
	Yes	*If yes, source document*	*Yes*	*If yes, source document*	*Remarks*
1 National regulatory authority					
2 IAEA safeguards agreements					
3 IAEA Code of Conduct on the Safety and Security of Radioactive Sources					
4 Supplementary Guidance on the Import and Export of Radioactive Sources					
5 IAEA Incident and Trafficking Database					
6 Other agreements related to IAEA					
7 Additional national legislation/regulations related to nuclear materials, including the Convention on the Physical Protection of Nuclear Material					
8 Other					

Paragraph 3 (a) and (b): account for/secure/physically protect chemical weapons, including related materials

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect chemical weapons and related materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		
		Yes	*If yes, source document*	*Yes*	*If yes, source document*	*Remarks*
1	National CWC authority	X	Ministry of Foreign Affairs, International Cooperation and Communities	X	Ministry of Foreign Affairs, International Cooperation and Communities	
2	Reporting Schedule I, II and III chemicals to OPCW					
3	Account for, secure or physically protect "old chemical weapons"					
4	Other legislation/ regulations controlling chemical materials					
5	Other					

Paragraph 3 (a) and (b): account for/secure/physically protect biological weapons, including related materials

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect biological weapons and related materials? Can violators be penalized?	*National legal framework*		*Enforcement: civil/criminal penalties and others*		
	Yes	*If yes, source document*	*Yes*	*If yes, source document*	*Remarks*
1 Regulations for genetic engineering work					
2 Other legislation/ regulations related to safety and security of biological materials					
3 Other					

Paragraph 3 (c) and (d) and related matters from paragraphs 6 and 10: controls of nuclear weapons, chemical weapons and biological weapons, including related materials

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of nuclear, chemical and biological weapons and related materials? Can violators be penalized?	*National legal framework*				*Enforcement: civil/criminal penalties and measures of implementation, etc.*				
	Yes				*Yes*				
	NW	*CW*	*BW*	*If yes, source document*	*NW*	*CW*	*BW*	*If yes, source document*	*Remarks*
1 Border control	X	X	X	**NW/CW/BW**: Regulation No. 09/2001/CM/UEMOA on common West African Economic and Monetary Union code of customs **BW**: Decree Law No. 4/99 of 18 August 1999 on the protection of plants, articles 8 and 9	X	X	X	**NW/CW/BW**: Customs Service **BW**: Decree Law No. 4/99 of 18 August 1999 on the protection of plants, articles 8 and 9 Ministry of Agriculture	
2 Technical support of border control measures					?	?	?	**NW/CW/BW**: Automated System for Customs Data	
3 Control of brokering, trading in, negotiating and otherwise assisting in the sale of goods and technology									
4 Enforcement agencies/ authorities					X	X	X	**NW/CW/BW**: Customs Service Ministry of Agriculture	

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of nuclear, chemical and biological weapons and related materials? Can violators be penalized?	*National legal framework*				*Enforcement: civil/criminal penalties and measures of implementation, etc.*				
	Yes				*Yes*				
	NW	*CW*	*BW*	*If yes, source document*	*NW*	*CW*	*BW*	*If yes, source document*	*Remarks*
								National police	
5 Export control legislation in place									
6 Licensing provisions									
7 Individual licensing									
8 General licensing									
9 Exceptions from licensing									
10 Licensing of deemed export/ visa									
11 National licensing authority									
12 Inter-agency review for licences									
13 Control lists									
14 Updating of lists									

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of nuclear, chemical and biological weapons and related materials? Can violators be penalized?	*National legal framework*				*Enforcement: civil/criminal penalties and measures of implementation, etc.*				
	Yes				*Yes*				
	NW	*CW*	*BW*	*If yes, source document*	*NW*	*CW*	*BW*	*If yes, source document*	*Remarks*
15 Inclusion of technologies									
16 Inclusion of means of delivery									
17 End user controls									
18 Catch-all clause									
19 Intangible transfers									
20 Transit control									
21 Trans-shipment control									
22 Re-export control									
23 Control of providing funds									
24 Control of providing transport services									

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of nuclear, chemical and biological weapons and related materials? Can violators be penalized?	*National legal framework*				*Enforcement: civil/criminal penalties and measures of implementation, etc.*				
	Yes				*Yes*				
	NW	*CW*	*BW*	*If yes, source document*	*NW*	*CW*	*BW*	*If yes, source document*	*Remarks*
25 Control of importation		X	?	**CW**: Criminal Code of 13 October 1993, article 206 (anyone who illegally manufactures, imports, transports, sells or gives automatic weapons, chemical weapons or their ammunition, or any explosive, commits a crime punishable with three years or a fine, with more severe penalties for possession or use of arms of war) **BW**: Decree Law No. 4/99 of 18 August 1999 on Plants Protection, article 8		X	?	**CW**: Criminal Code of 13 October 1993, article 206 (anyone who illegally manufactures, imports, transports, sells or gives automatic weapons, chemical weapons or their ammunition, or any explosive, commits a crime punishable with three years or a fine, with more severe penalties for possession or use of arms of war) **BW**: Decree Law No. 4/99 of 18 August 1999 on Plants Protection, articles 8 and 9 Ministry of Agriculture	
26 Extraterritorial applicability									
27 Other				**NW/CW/BW**: 1. Cooperation among customs authorities of Portuguese-speaking countries 2. Member of the Economic Community of West African States					

Abbreviations: BW, biological weapons; CW, chemical weapons; NW, nuclear weapons.

Paragraphs 6, 7 and 8 (d): control lists, assistance, information

	Can information be provided on the following issues?	*Yes*		*Remarks*
1	Control lists — items (goods/equipment/materials/ technologies)			
2	Control lists — other			
3	Assistance offered	No		
4	Assistance requested		The Republic of Guinea-Bissau requires technical and financial assistance for the effective implementation of resolution 1540 (2004), including in the following areas: (a) Development and implementation of the national voluntary action plan; (b) Creation and training of nuclear, chemical and biological weapons detection teams, including obtaining the necessary equipment for each team; (c) Conducting workshops and seminars on resolution 1540 (2004). In addition, and where appropriate, the Government of Guinea-Bissau will seek advice from certain non-governmental organizations with relevant expertise, such as Parliamentarians for Global Action.	Paragraph 7
5	Point of contact for assistance		Ministry of Foreign Affairs, International Cooperation and Communities	
6	Assistance in place (bilateral/multilateral)	Yes		
7	Work with and inform industry			
8	Work with and inform the public	Yes		
9	Point of contact		Ministry of Foreign Affairs, International Cooperation and Communities	
10	Other[a]			

[a] Information may include references to voluntary implementation national action plan and visits to States, at their invitation, by the 1540 Committee.